

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SCOTT M. EPSTEIN

**03 CV 12297 RWZ**

v.

Plaintiff,

MAGISTRATE JUDGE

CIVIL ACTION

NO.

C.R. BARD, INC.,  
FUTUREMED INTERVENTIONAL, INC., and  
CROSSBOW VENTURES, INC.

Defendants.

**NOTICE OF REMOVAL**

AMOUNT \$ 150 5/17/03  
 SUMMONS ISSUED YES  
 LOCAL RULE 4.1 T  
 WAIVER FORM \_\_\_\_\_  
 MCF ISSUED \_\_\_\_\_  
 BY DPTY. CLERK F.O.M.  
 11/18/03

Pursuant to 28 U.S.C. § 1441 et seq., defendants C.R. Bard, Inc., Futuremed Interventional, Inc. and Crossbow Ventures, Inc. file this Notice of Removal and state:

1. Defendants are parties in an action commenced against them by the plaintiff pending in the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts for Suffolk County, captioned Scott M. Epstein v. C.R. Bard, Inc., Futuremed Interventional, Inc. & Crossbow Ventures, Inc., Civil Action No. 03-4869. True copies of all process, pleadings and orders served on the defendants in the state action are attached as Exhibit A.

2. In his complaint, plaintiff alleges that he is an individual residing in Boston, Massachusetts.

3. Defendant C.R. Bard, Inc. is a New Jersey corporation with its principal place of business in Murray Hill, New Jersey.

(1)

4. Defendant Futuremed Interventional, Inc. is a Texas corporation with its principal place of business in Athens, Texas.

5. Defendant Crossbow Ventures Inc. is a Florida corporation with its principal place of business in West Palm Beach, Florida.

6. There is, therefore, complete diversity of citizenship, and no defendant is a citizen of the state in which the action was brought.

7. Based on the allegations in the Complaint, the Plaintiff appears to allege that the amount in controversy exceeds \$75,000.

8. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332.

9. Defendants were served with the Complaint in this matter less than 30 days ago. Consequently this notice is timely under 28 U.S.C. § 1446(b).

10. Defendants may therefore remove this case from state to federal court pursuant to 28 U.S.C. § 1441(a).

11. A copy of this Notice of Removal is being provided to Plaintiff, and is being filed with the clerk of the Massachusetts Superior Court in which this case was originally filed.

C.R. BARD, INC.  
By its attorney

  
Andrew Good, BBO # 201240  
GOOD & CORMIER  
83 Atlantic Avenue  
Boston, Massachusetts 02110  
(617) 523-5933

FUTUREMED INTERVENTIONAL, INC.  
By its attorney

  
Michael Albert, BBO # 558566  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
(617) 720-3500

CROSSBOW VENTURES, INC.  
By its attorneys



Michael Albert, BBO # 558566 (local counsel)  
Daniel A. Wuersch (awaiting admission pro hac vice)  
Samuel D. Levy (awaiting admission pro hac vice)  
WUERSCH & GERING, LLP  
11 Hanover Square, 19<sup>th</sup> Floor  
New York, NY 10005  
(212) 509-5050

Dated: November 17, 2003

C:\Documents and Settings\malbert\Local Settings\Temporary Internet Files\OLK3\Notice of Removal1.doc

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the Notice of Removal was served upon all attorneys of record on November 17, 2003 by first-class mail:

Gary E. Lambert, Esq.  
Lambert & Associates  
92 State St., Suite 200  
Boston, MA 02109

Michael Albert, Esq.  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210

Daniel A. Wuersch, Esq.  
Samuel D. Levy, Esq.  
Wuersch & Gering, LLP  
11 Hanover Square, 19<sup>th</sup> Floor  
New York, NY 10005



Andrew Good